

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an R-3 (Multi Family) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Part of Richardville Reserve, West of the St. Mary's
River, in Township 30 North, Range 12 East, Allen
County, Indiana, more particularly described as
follows, to-wit:

Beginning on the centerline of Winchester Road at a
point situated 330.0 feet, North 05 degrees 46 minutes
West (bearings in this description are based on the
Indiana Department of Highways bearing for Baer Field
Thruway) from the Northeast corner of Lake Shores,
Section II, the plat of which is recorded in Plat Book
25, pages 70-72 in the office of the Recorder of Allen
County, Indiana; thence North 05 degrees 46 minutes
West, on and along said centerline, a distance of 200.0
feet; thence South 84 degrees 14 minutes West, a
distance of 314.3 feet; thence North 55 degrees 29
minutes 35 seconds West, a distance of 123.3 feet to a
point on the Easterly right-of-way line of Baer Field
Thruway; thence South 34 degrees 30 minutes 25 seconds
West, on and along said Easterly right-of-way line, a
distance of 265.0 feet; South 84 degrees 00 minutes
East, a distance of 201.36 feet; thence South 86
degrees 30 minutes East, a distance of 175.0 feet;
thence North 86 degrees 30 minutes East, a distance of
210.0 feet to the point of beginning, containing 2.297
acres of land, subject to legal right-of-way for
Winchester Road and subject to all easements of record,
also subject to a utility easement over the Northerly 7
feet thereof lying Southerly and adjacent to the
courses of 314.3 feet and 123.3 feet length, also
subject to a utility easement over the Southerly 7 feet
thereof lying Northerly of and adjacent to the courses
of 201.36 feet, 175.0 feet and 210.0 feet length.

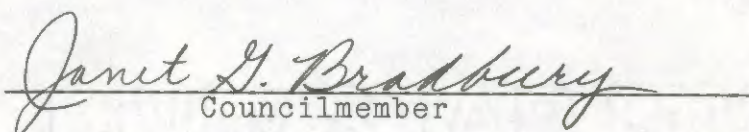
TOGETHER WITH an easement for ingress and egress
purposes more particularly described as follows, to-
wit:

Beginning on the centerline of Winchester Road at a
point situated 555.0 feet, North 05 degrees 46 minutes
West (bearings in this description are based on the
Indiana Department of Highways bearing for Baer Field
Thruway) from the Northeast corner of Lake Shores,
Section II, the plat of which is recorded in Plat Book
25, pages 70-72 in the Office of the Recorder of Allen

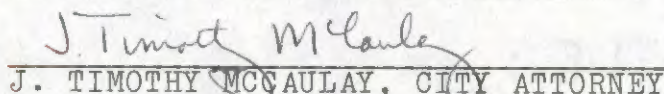
1 County, Indiana; thence North 05 degrees 46 minutes
2 West, on and along said centerline, a distance of 60.0
3 feet; thence South 84 degrees 14 minutes West, a
4 distance of 104.0 feet; thence South 05 degrees 46
5 minutes East and parallel to said centerline, a
6 distance of 85.0 feet; thence North 84 degrees 14
7 minutes East, a distance of 24.0 feet; thence North 05
8 degrees 46 minutes West, a distance of 10.0 feet to the
9 point of curvature of a regular curve to the right
10 having a radius of 15.0 feet; thence Northeasterly, on
11 and along the arc of said curve, an arc distance of
12 23.56 feet, being subtended by a long chord having a
13 length of 21.21 feet and a bearing of North 39 degrees
14 14 minutes East to the point of tangency; thence North
15 84 degrees 14 minutes East and tangent to said curve, a
16 distance of 65.0 feet to the point of beginning,
17 subject to legal right-of-way for Winchester Road.

18 and the symbols of the City of Fort Wayne Zoning Map No. L-
19 23, as established by Section 11 of Chapter 33 of the Code
20 of the City of Fort Wayne, Indiana are hereby changed
21 accordingly.

22 SECTION 2. That this Ordinance shall be in full force
23 and effect from and after its passage and approval by the
24 Mayor.

25 
26 Councilmember

27 APPROVED AS TO FORM AND LEGALITY:

28 
29 J. TIMOTHY MCCAULAY, CITY ATTORNEY
30
31
32

Read the first time in full and on motion by Bradbury, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 4-11-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>Edmonds</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-12-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE - RESOLUTION NO. 2-10-89. on the 12th day of December, 1989,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 7214

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/16 1989

RECEIVED FROM E. G. N. \$ 100.00

THE SUM OF One Hundred & 00/100 DOLLARS

ON ACCOUNT OF 11224 Kings Crossing

Routing POP to R-3

PAID BY: CASH ☐ CHECK ☒ M.O. ☐ Onia AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED March 16, 1989

INTENDED USE Funeral Home

I/We Zohrab K. Tazian
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an POD District to a/an R3 District the property described as follows:

See attached description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Zohrab K. Tazian

11224 Kings Crossing
Fort Wayne, IN 46845

Zohrab K. Tazian

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Zohrab K. Tazian
(Name)

345 W. Wayne St., Ft. Wayne 424-3232
(Address & Zip Code) Indiana (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ZOHRAB K. TAZIAN, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.



CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Part of Richardville Reserve, West of the St. Mary's River, in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning on the centerline of Winchester Road at a point situated 330.0 feet, North 05 degrees 46 minutes West (bearings in this description are based on the Indiana Department of Highways bearing for Baer Field Thruway) from the Northeast corner of Lake Shores, Section II, the plat of which is recorded in Plat Book 25, pages 70-72 in the office of the Recorder of Allen County, Indiana; thence North 05 degrees 46 minutes West, on and along said centerline, a distance of 200.0 feet; thence South 84 degrees 14 minutes West, a distance of 314.3 feet; thence North 55 degrees 29 minutes 35 seconds West, a distance of 123.3 feet to a point on the Easterly right-of-way line of Baer Field Thruway; thence South 34 degrees 30 minutes 25 seconds West, on and along said Easterly right-of-way line, a distance of 265.0 feet; thence South 84 degrees 00 minutes East, a distance of 201.36 feet; thence South 86 degrees 30 minutes East, a distance of 175.0 feet; thence North 86 degrees 30 minutes East, a distance of 210.0 feet to the point of beginning, containing 2.297 acres of land, subject to legal right-of-way for Winchester Road and subject to all easements of record, also subject to a utility easement over the Northerly 7 feet thereof lying Southerly and adjacent to the courses of 314.3 feet and 123.3 feet length, also subject to a utility easement over the Southerly 7 feet thereof lying Northerly of and adjacent to the courses of 201.36 feet, 175.0 feet and 210.0 feet length.

TOGETHER WITH an easement for ingress and egress purposes more particularly described as follows, to wit:

Beginning on the centerline of Winchester Road at a point situated 555.0 feet, North 05 degrees 46 minutes West (bearings in this description are based on the Indiana Department of Highways bearing for Baer Field Thruway) from the Northeast corner of Lake Shores, Section II, the plat of which is recorded in Plat Book 25, pages 70-72 in the Office of the Recorder of Allen County, Indiana; thence North 05 degrees 46 minutes West, on and along said centerline, a distance of 60.0 feet; thence South 84 degrees 14 minutes West, a distance of 104.0 feet; thence South 05 degrees 46 minutes East and parallel to said centerline, a distance of 85.0 feet; thence North 84 degrees 14 minutes East, a distance of 24.0 feet; thence North 05 degrees 46 minutes West, a distance of 10.0 feet to the point of curvature of a regular curve to the right having a radius of 15.0 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 23.56 feet, being subtended by a long chord having a length of 21.21 feet and a bearing of North 39 degrees 14 minutes East to the point of tangency; thence North 84 degrees 14 minutes East and tangent to said curve, a distance of 65.0 feet to the point of beginning, subject to legal right-of-way for Winchester Road.

This property is in Zone C according to Flood Insurance Rate Map 180003 0020 B, effective April 3, 1985.

I hereby certify on the 23 day of February, 19 89 that the above survey is correct.
Surveyed for: Tazian/Klaehn
Survey No.: PE-127"A"

Zohrab K. Tazian





This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

[illegible]

I hereby certify on the 23 day of February, 1989 that the above survey is correct.
 Surveyed for: Tazian/Klaehn
 Survey No.: PE-127 "A"

Zachary H. Tawain



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 11, 1989, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-04-03;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 17, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 24 April 1989.

Certified and signed this
4th day of December 1989.



Robert Hutner
Secretary

FACT SHEET

Z-89-04-03

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From POD to R3

DETAILS**Specific Location and/or Address**

A 2.2 Acre Parcel lying between
Winchester Road & Baer Field Thruway.

Reason for Project

Funeral Home

Discussion (Including relationship to other Council actions)

17 April 1989 - Public Hearing

Z K Tazian, applicant, appeared before the Commission. Mr. Tazian stated that he was requesting the zoning change for the sole purpose of developing the property for a funeral home. He stated that the parking will be in the front of the building and and they have planned for a considerable amount of landscaping on the property.

Nancy Moyer, 730 Nightfall Road, appeared before the Commission. Ms. Moyer stated that she wanted to know what guarantee they would have that it would be developed for a funeral home. She stated that they were concerned that anything other than a funeral home would generate heavy traffic. She stated that the area is already plagued by traffic problems.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Zohrab Tazian
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**

☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

24 April 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a conditional approval, subject to the petitioners satisfying the following:

a) Public sidewalks, or a commitment for same, shall be provided along the Winchester Road frontage;

b) The requirement for full auxillary lanes with a design speed of 40 mph. To include deceleration, tangent connecting to the proposed Pointe Center Cove (to the south), recovery and passing lanes as required by the "Access Standards Manual", has been imposed upon the POD development. This parcel should agree to participate in the cost of that construction at such time that the POD develops, or when directed to do so by the City.

c) Only one access point shall be used to serve this parcel and the proposed POD to the north.

Of the nine (9) members present, eight (8) voted for the motion, one (1) did not vote. Motion carried.

NOTE: This ordinance has been held until petitioners satisfied the above stated conditions.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 16 March 1989

Projected Completion or Occupancy

Date 4 December 1989

Fact Sheet Prepared by
Patricia Biancaniello

Date 4 December 1989

Reviewed by
Randy Magliozzi

Date 12-4-89

Reference or Case Number

#386

ORIGINAL

ORIGINAL

DIGEST SHEET

2-89-04-03
[Signature]

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 2.2 acre parcel located between Winchester Road
and Baer Field Thruway.

2-89-04-03

EFFECT OF PASSAGE Property will be zoned R-3 - Multi Family Residential.

EFFECT OF NON-PASSAGE Property will remain P.O.D. - Professional Office District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. 2-85-04-03

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) _____

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>[Signature]</u>			
<u>[Signature]</u>			
<u>Samuel J. Talarico</u>			
<u>Janet G. Bradbury</u>			

DATED: 12-12-89.

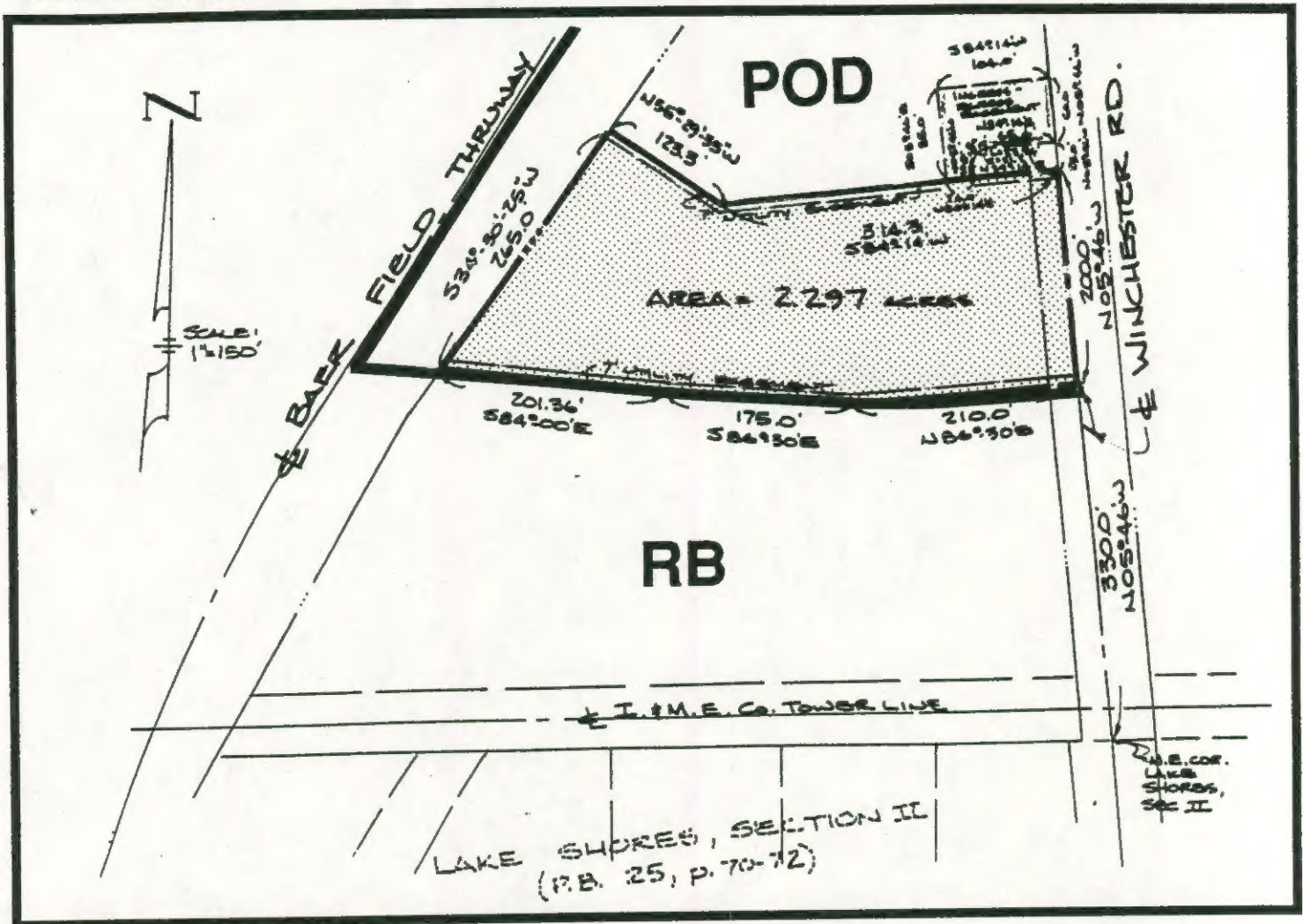
Sandra E. Kennedy
City Clerk

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A POD DISTRICT TO A R3 DISTRICT.

MAP NO. L-23

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

POD PROFESSIONAL OFFICE DISTRICT ☐ VACANT

RB RESIDENCE "B"

SCALE: NTS

DATE: 3-27-89

